

CHAPTER : 1

INTRODUCTION

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This chapter introduces the research theme and major concepts used in the study title. The major contents of this chapter include the glimpses of sex trade in Surat, Gujarat and India. It also includes typology of sex trade, legal legislations in India and abroad, health issues of sex workers, approaches to sex trade etc.

The issue of sex work is an oldest and multi-dimensional for which very less has been done till date. There is no clear internationally accepted definition and law for sex work. Each and every country has its own laws to deal with the issue of Sex work. NGO/Health Service Providers and other stakeholders may have the information of sex workers in different countries but that is also found incomplete and inadequate when needed. Evacuation of sex workers is not only a local issue. It had happened worldwide at some or other point of time. Most of the countries had tried to abolish or regulate the sex trade but there is no benchmark evidence found till date that have properly rehabilitated the sex workers. Rehabilitation of sex workers was ignored by government authorities despite India being a welfare state. Now, Researcher would like to explain how she selected to take the said research topic.

After obtaining P.G. Degree in Social Work, the researcher had the opportunity to work extensively as a Counselor in ART (Anti Retroviral Therapy) Centre, New Civil Hospital, Surat. This centre is treating HIV/AIDS positive patients by providing them ARV (Anti Retroviral) medicine at no cost which can increase their CD4 count (Immune). This centre is running under the guidance of Gujarat State AIDS Control Society (GSACS), Ahmedabad funded by National AIDS Control Organization (NACO), New Delhi. This provided her first hand exposure to the HIV / AIDS patients covering all the high risk behavior groups. This created a quest to know more about these groups in greater detail, so as to enrich her insight as a counselor.

In Gujarat, Surat tops the list of reported cases of taking ARV (Anti Retroviral) drugs. The peculiar socio- cultural milieu of the city draws heavy migrant population from all over the country. To satisfy the sex hunger of single migrant male industrial worker, it also receives a big number of CSWs (Commercial Sex Workers) to the city. Surat has a history of having an organized sex market for about two centuries.

However, in the last decade, the sex market received a severe jolt when this 200 years old sex market was forced to close down by the city police using their authority under The Immoral Traffic (Prevention) Act (ITPA), 1986. Ironically these were the years when the health services givers and social activists had started concentrating on the CSWs (Commercial Sex Workers) as an effort to prevent HIV/AIDS.

These were the years when several agencies became active in this field which included the government health service providers, NGO functionaries, as well as law implementing machineries. The sex workers also became more united and organized in the process and became more aware about their human rights. They approached the Gujarat High Court for seeking protection of their human rights including the right to shelter and proper rehabilitation facilities. The sudden police action to evacuate the sex service givers from the market adversely affected the public health professionals in delivering services in a focused area/location as the sex workers, because of evacuation, were compelled to spread out in and around the city at different places. Their only contact points were these centers running HIV/AIDS related projects or private practitioners to whom they approach.

Researcher being a part of one such centre got interested in their problems, being a trained social worker; she wanted to develop a holistic social work perspective of their problems as well as the processes. Hence the study.

SECTION – A : THE SEX TRADE: AN OVERVIEW OF SURAT, GUJARAT, INDIA AND ABROAD

The researcher has strived to give details about the practice of sex trade in Surat, Gujarat, India and abroad which are as indicated below.

SEX WORK IN SURAT

Surat is the twelfth largest city by population in India. Besides being a major centre of textiles industry, the city burst of its development through chemical, Zari making and Diamond industries. The rapidly growing city is pulling workers from all over the state of Gujarat and other parts of India. Majority of these migrants come alone, leaving their families behind at their native place, so to satisfy their sexual need they visit CSWs. Even they become addicted to alcohol and injective drugs because of their loneliness. Sexual dependency of these migrants leads them to the incurable and lifelong disease called HIV/AIDS. They even end up with STD problems. (Patel Krutika, 2007)

The exact figure of sex workers currently operating in Surathas not been found as Red light area was shut down in 2003 by civic authorities of Surat under ‘The Immoral Traffic Prevention Act’, 1986. However, the researcher has tried to gather close to accurate figure through various sources. PSM Department, New Civil Hospital, Surat, itself has about 2000 registered female sex workers, Sahas the NGO working for sex worker in Surat is having about 277 registered female sex workers and even NGO called Prayosha Pratishthan is also having 492 registered Female Sex workers at present.

SEX WORK IN GUJARAT

This is something strange buy it’s the fact, day by day Red Light Area is getting it’s development in urban areas of Gujarat. Prostitution till now is not legal in Gujarat but regardless of this fact, there are various prostitution centers and area whose main business terms to be prostitution.

AHMEDABAD

Railway Station to Navrangpura is a famous red light area in Ahmedabad. Even now well professional Escort Agencies are offering Trained High Professional Call Girl, Call Boy, Gigolo in famous areas of Ahmedabad.

RAJKOT

It's popularly known as 'Badnaam Gali' or 'Notorious Lane' Situated close to Gujarat's prosperous and colourful city of Rajkot is Bhavnagar road known as such by locals because of it is the seat of the town's red light area.

SURAT

The only red light area of Gujarat may have to close shop. Almost 600 commercial sex workers at Variyavi bazaar, better known as Chakla Bazaar, Surat are being driven out by landlords.

BANASKANTHA

Wadia is a small village situated in the Banaskantha district of North Gujarat. Wadia is the only village openly known for prostitution in Gujarat, which otherwise does not boast of any red-light areas, and flesh trade is a business which thrives underground.

VADODARA

Mangal Bazaar is a famous red light area in Vadodara.

(Source: www.vishwagujarat.com/gujarat/most-shocking-red-light-areas-of-gujarat/nggallery/image/gangajamuna_jejvzx/)

ORGANIZED SEX WORK: AN INDIAN SCENARIO

According to the **Social and Moral Hygiene Committee Report**, 'Organized prostitute is present in every part of Indian Union excepting Kashmir, Ajmer, and Ccorgthough in these places prostitution is there in a clandestine form'. (Pillai V.,1982)

The researcher could identify eight largest red areas of India which are indicated as under:

INDIA'S EIGHT LARGEST RED LIGHT AREAS

1. Sonagachi, Kolkata

With the regrettable title of Asia's largest red light area, Sonagachi is a world in itself. It's inhabited by more than 11,000 sex workers. Watch the Oscar winning documentary, Born into Brothels, to know about the lives of the children born to prostitutes here. Pretty hard hitting stuff.

Bow bazaar, located at the heart of Kolkata city, is one of the oldest areas in the city. Its crooked alleys and lanes make it a suitable location for one of the city's red light areas. There are about 2200 resident female commercial sex workers (FCSWs) and an additional 800 nonresident female sex workers (also known as floating sex workers) playing the sex trade from 45 houses at Premchand Boral street and 16 houses at Nabin Chand Boral Street. (Harshankar Adhikari, 2008)

2. Kamathipura, Mumbai

India's second largest red light district houses a staggering number of sex workers, most of whom live in squalor. The area also has a small beedi rolling industry that is run by women. In the '80s, gangsters like Haji Mastan and Dawood Ibrahim frequently visited Kamathipura. (<http://www.scoopwhoop.com/inothernews/red-light-areas-india/>).

3. Budhwar Peth, Pune

Apparently the third largest red in India with around 5000 commercial sex workers. The area is also a hub of electronic goods and books. (<http://www.scoopwhoop.com/inothernews/red-light-areas-india/>)

4. Meergunj, Allahabad

This red light district has a notorious reputation for illegal trafficking and forced prostitution. It's also pretty dangerous for visitors, which is kind of obvious considering the place sounds shady as well. (<http://www.scoopwhoop.com>)

5. G.B. Road, Delhi

Another large red light area, this place is known for the hundreds of brothels along the streets. There are markets for machinery and vehicle parts on the ground floors and koths or brothels above them. (<http://www.scoopwhoop.com/inothernews/red-light-areas-india/>)

6. Chaturbhujsthan, Muzaffarpur

This old temple area has existed side by side with brothels since ancient times. Seems strange, but when you think about the high social space concubines occupied in the old days, it all starts to make sense. (<http://www.scoopwhoop.com/inothernews/red-light-areas-india/>)

7. Itwari, Nagpur

The area in Itwari known as Ganga Jamuna is a hotspot of sex workers, along with other criminal activity. (<http://www.scoopwhoop.com/inothernews/red-light-areas-india/>)

8. Shivdaspur, Varanasi

This red light village is another leftover of the ancient times that lost its sheen a while back. It sits on the edge of Varanasi city and is known for the cheap brothels being run from homes in the village. (<http://www.scoopwhoop.com/inothernews/red-light-areas-india/>)

After describing the 8 largest red light areas of India, the researcher would like to elaborate the sex work with numerical data/ magnitude of sex trade in India .

Quoting the **TISS** Study Das and Chopra (1990) write, “There are approximately twenty lacs prostitutes in India, residing in 817 Red-light areas with more than fifty Lacs children labeled as illegitimate... The No. of call girls or high society prostitutes has not been included in the survey. (Mehta L, 2000)

The **CEDPA** (The Centre for Development of Population Activities) report of a conference on Girls Rights at Mumbai (Dec. 1997) notes “More than two million

women and children are trapped in prostitution in red light districts throughout the country. The Indian government estimates that the vast majority of the 5, 00,000 children in sex industry are girls. In addition, Nepalese and Bangladeshi girls are trafficked into India to work in brothels as so 'called cage prostitutes'... At least 20 % of prostitutes are under the age of 18 and.....1, 00,000 to 1, 60,000 Nepalese women and girls are reportedly working in India's brothels". (Mehta L, 2000)

Fernandes (1997) review of various surveys reveals that every year 4,000 to 6,000 girls are dedicated to Goddess Yellamma as devdasis. (Malik, n.d). 88% girls are dedicated before they are 10 years old. (Mehta L, 2000)

According to **Bhartiya Patita Udhhar Sabha**, there are about 5, 00,000 lacs child prostitutes (Theodore, 1994) of the 1, 25,000 prostitutes in Bombay, 40,000 are under the age of sixteen. Quoting Josheph Gathiya, the president of centre for child labor, the TOI special report (Nov. 1998) says ... "In India, of the estimated 9, 00,000 prostitutes, 30% are children. The study pinpointed 70 districts in the country where the trafficking is more acute ...Madhya Pradesh topping the list with ten such districts.(Mehta, 2000)

As per the article published in The **Times Of India dated July 21,2010**, there are a whopping 6,88,751 "registered" sex workers in the country and it's not mandatory for them to have a health certificate on sexually transmitted diseases. Put together, these two pieces of information -- revealed by the government in an RTI reply -- should send the alarm bells ringing as unprotected paid sex is the main driver of the HIV epidemic in India (TOI, 2010)

The reply by the ministry of health and family welfare also reveals that the southern states have the largest number of sex workers, at least on government records. Andhra Pradesh leads the list with more than one lac registered female sex workers while Karnataka has 79,000. These two states are followed by Tamil Nadu, Maharashtra and west Bengal. (TOI, 2010)

Interesting, there is not a single sex worker as per government records in Dadra and Nagar Haveli as well as Daman and Diu. Jammu and Kashmir has the least number of registered sex workers 259. (TOI, 2010)

Among the metros, Delhi leads the list. Though the capital has only one known red light area, GB Road, there are 37,900 sex workers -- more than those in India's financial capital, Mumbai. (TOI, 2010)

Experts say a large number of sex workers in the country go undetected in government records. NACO (National AIDS Control Society) estimates the total number of sex workers in India to be 12.63 lacs. Meanwhile, the annual report (2009-10) of the health ministry's Aids control department states that India has the third largest number of people living with HIV/AIDS -- 22.7 lacs, as per the provisional HIV estimates of 2008-09. (TOI, 2010)

The report says though sex workers are 0.5% of adult female population, they account for 7% of HIV-infected women. "Sex work continues to act as the most important source of HIV infections in India due to the large size of clients that get infected from sex workers... Men who buy sex are the single most powerful driving force in India's HIV epidemics and constitute the largest infected population group in the country," the report adds. (TOI, 2010)

South Asia Regional Workshop on the rehabilitation of Women and Children Rescued from Trafficking in 2001, Aurangabad says that estimates reveal more than a million women and children are trapped in Indian brothels. Many are victim of the increasingly widespread practice of trafficking in persons across international borders. In India, a large percentage of victims are women and girls from Nepal. Twenty percent of Bombay brothel population is thought to be girl under the age of eighteen. (South Asia Regional Workshop, Maharashtra state commission, 2001)

Prasad (2007) has said that Women and girls are trafficked within the country for the purposes of commercial sexual exploitation and forced marriage especially in those areas where the sex ratio is highly skewed in favor of men. Indian men and women are trafficked into situations of involuntary servitude in countries in the Middle East and children may be forced to work as beggars or camel jockeys. Bangladeshi women and children are trafficked to India or trafficked through India and route to Pakistan and the Middle East for the purposes of sexual exploitation, domestic servitude, and forced labor. Nepalese women and girls are trafficked to India for sexual exploitation, domestic servitude and forces labor. India is also a growing destination for sex

tourists from Europe, the United States, and other Western Countries. India is also home to millions of victims of forced or bonded labor.

Comprehensive statistics on trafficking related investigations, prosecutions, convictions, and sentences are not available. Available statistics show 195 prosecutions and 82 convictions obtained for offences related to trafficking for sexual exploitation in 2004. India being both a destination and a transit zone for traffickers are faced with the problem with tackling inter states as well as international trafficking... A survey sponsored by the Central Social Welfare Board (CSWB) in 1991 in six metropolitan cities of India indicated that the population of women and children victims of commercial sexual exploitation is between 70,000 to 1, 00,000. It also reveals that about 30% of them are below 18 of age. (Prasad, 2007)

The United States (US) has placed India on the Tier-2 Watch list for human trafficking for the 5th consecutive year as India had failed to take effective measure in combating it. According to its report, India is Source, destination and transit country for men; women and children trafficked for the purposes of forced labor and commercial sexual exploitation. The report also says that the number of persons affected could be anywhere between 20 to 65 million. According to some estimates, the estimated annual turnover of human trafficking in India is around 20 billion rupees. What is distressing is that out of the total number of persons affected by human trafficking; as many as 80 percent are women and 50 percent are children (all the persons below 18 years of age come in the category of children). (Prasad, 2007)

Each year an estimated four million people, mostly women and girls, are trafficked throughout the world, and one million children are trafficked into local and international sex industries. (Cook R., 1998). Selling of young women is one of the fastest growing modes of organized crime, making traffickers richer by 6 billion US dollars every year. (Shelley L., 1997). At present no one US or international agency is compiling accurate statistics regarding actual number of trafficked women. Nonetheless, government and non-governmental experts in the field estimated that out of the 7, 00,000 to 20, 00,000 women and children who are trafficked globally each year, 45,000 to 50,000 are trafficked to the United States. Approximately, 30,000 women and children are trafficked annually from south-east Asia, 10,000 from Latin America. (Note: This number is only a preliminary estimate and represents cross

border and international trafficking. It does not include internal trafficking within countries such as Thailand or India.) (Report of South Asia Regional Workshop On The rehabilitation of women and Children rescued from Trafficking)

The **UNIFEM** (United Nations Fund for Women) states that every year 7 million women and girls are trafficked across the Globe. India Today in 1990 quoted that there are over 5, 00,000 girl victims of prostitution below the age of 18 in India. The National Commission of Women states, "In Bombay alone 40,000 girls between the age of 10 and 16 years are selling their bodies from their doorsteps." Statistics also suggest that about 61% of the women in prostitution in India belong to the Schedule Castes, Other Backward Castes and Scheduled Tribes. The UNICEF report states there are about 5,000 prostitutes in Kathmandu alone. (Report of South Asia Regional Workshop On The rehabilitation of women and Children rescued from Trafficking)

MAITI, an NGO from Nepal working on the problem of prostitution, estimates that every year 5,000 to 7,000 girls from Nepal are trafficked into India for commercial sex. In India, the majority of India's 4, 00,000 child prostitutes service local clients or West Asian businessmen. Human Rights Watch reports that 20% of Mumbai's brothel population consists of girls below 18 years of age. (Report of South Asia Regional Workshop On The rehabilitation of women and Children rescued from Trafficking)

It is impossible to say how many girls and women are employed in sex industry in India. Estimates have been based largely on the numbers of women employed by brothels in urban areas, but prostitution exists in every city and town in India and in many villages, and statistics vary enormously. Dr. I.S. Gilada, General Secretary of the Indian Health Organization (IHO), estimated in various studies conducted between 1985 and 1994 that there were between 70,000 and 1,00,000 female sex workers(FSW's) in Bombay, 1,00,000 in Calcutta, 40,000 in Delhi, 40,000 in Pune, and 13,000 in Nagpur. The Indian Council of Medical Research estimates the total number of FSW's in India at about one million. By contrast, the Bharatiya Patita Udhar Sabha (Indian Association for the Rescue of Fallen Women), a voluntary organization dedicated to the welfare of the country's sex workers, estimates that in 1992 there were more than 8 million brothel workers in India and another 7.5 million call girls. (Report of South Asia Regional Workshop On The rehabilitation of women and Children rescued from Trafficking)

PROSTITUTION IN THE WORLD

According to Sanford (1975), Prostitution in other countries is as of below.

ARGENTINA

In 1955, Prostitution was made legal, subject to state regulation and supervision, after a twenty year ban. Governments built houses were also provided to those prostitutes who were over the age of 22 and having certificate of police of good conduct.

BELGIUM

Regulated brothels were closed in 1948. A gala performance took place in Brussels cinema to raise funds for a home for 'Repentant ladies of pleasure' in 1969. In 1972, the 'Sexy sauna baths' of Brussels, 'the hottest attraction of the common market', were closed down.

ETHIOPIA

In Addis Ababa in 1974, 15,000 prostitutes asked for permission to form a trades union to protect their interests. Their basic demand included a fixed rate of pay. Many of these are the tejbet girls, so called because they combine prostitution with serving behind the bars in a type of pub called tejbet. Tej is a powerful spiritual drink.

FRANCE

A famous law of 1946 closed brothels and ended an era of police controlled prostitution. Thereafter prostitution was not forbidden as long as it did not lead to soliciting in a public place, but procuring, and aiding were forbidden. France now had one hundred thousand prostitutes, thirty five thousand of them in Paris. The Central Office for the Suppression of Traffic in Human beings says that more than 3,600 French girls in Britain, West Germany, Italy, Belgium, and Luxembourg work under the control of an international 'vice ring' based in France; and that every year 10,000 young girls vanish mysteriously in France.

GERMANY

State registration of brothel was abolished in 1927. In 1959; Prostitutes of registered brothel were equipped with identity cards and prophylactics, and being medically

inspected twice a week. In 1972, all male brothels were opened in Hamburg, and the German Women's Lib hailed it as a step towards equality. In 1973, In Munich, Police closed the city's officially registered brothels. As a result over 200 massage salons started up in 'Exclusive Suburbs' where Prostitutes had not been seen before. Despite of all this, the majority of prostitutes still works on their own.

MAXICO

Prostitution is regulated in Maxico. Active centre for prostitution is Juarez. One thousand four hundred registered prostitutes work here and are supposed to have daily inspection and penicillin injections.

ITALY

In 1959, the hundreds of state licensed brothels were closed and since then prostitutes have increased vastly in number. A roman Catholic Group, The counsel for Social and moral defense of women, was recently told that there are one million prostitutes in Italy. The Alpine city of Varese was surprised by the news that a thirteen years old girl had been forced to be a prostitute since the age of eleven.

Most people now seem to feel that the closing of brothels, done partly as a result of pressure from the United Nations, was a mistake.

RUSSIA

Prostitution is officially considered not to existin Russia. There is no offence of prostitution in the Russian Criminal Code. Prostitutes are referred to as 'female idlers', 'loafers', and 'parasites'. A number of them have been sent to Siberia and Siberian towns have recently been objecting this.

SPAIN

A recent estimate claims that there are 5, 00,000 prostitutes in Spain. In 1956, licensed brothels were abolished and prostitutes had their licenses withdrawn. This did not abolish prostitutes but did abolish state connivance.

UNITED STATES OF AMERICA

In 1959, it was established that American prostitutes could earn 3500 dollar to 8000 dollars per anum. It was said that business companies kept call girls on their pay roll, and that a famous Madame in New York had only multi millionaires as clients. She gave them a book with picture of her girls. It was said that call girls were used to help persuade bank presidents and mortgage officers to make loans or grant mortgages .the person being entertained for business reasons often did not know his date was a prostitute. He was usually told she was a secretary or show girl. Gigolos were employed to entertain women executives. (Sandford, 1975)

In New York, Unlicensed massage parlors were made illegal and instead of them a large number of ‘Nude Photo Modeling Parlors’ were established.

In Nigeria on 1st November, 2010, it was said that sex workers, destitute should be evacuated professionally. The FCT (Federal Capital Territory) Minister Sen. Bala Mohammed has ordered the professional evacuation and immediate training of all commercial sex workers, street beggars and destitute in the Federal Capital Territory. (Daily Trust, November 1, 2010)

SECTION – B : CONCEPTS AND DEFINITIONS

CONCEPTS AND DEFINITIONS : SEX WORK

SEX WORK

Sex work is one of the professions in the history of mankind, but it’s a long way from being an acceptable one. Society has always looked at sex work as immoral and destructive, and treated women in sex work/prostitution as “fallen women”. Rarely and only recently, has the discourse on sex work highlighted the perspective of women in the profession and their demand. (Thorat, 2002)

WHAT IS SEX WORK?

Sex work is a relatively newer term widely accepted in modern studies and literature. Till Carol Leigh coined this term in 1980 to describe the sex sellers, the term prostitute and prostitution were most commonly used in legal as well as academic literature.

The term "Sex Worker" was coined in 1980 by sex worker activist Carol Leigh. It's use became popularized after publication of the anthology, *Sex work: Writings by Women In the sex Industry* in 1987. The term "sex worker" has since spread into much wider use, including in academic publications, by NGOs and labor unions, and by governmental and intergovernmental agencies, such as the World Health Organization. (http://en.wikipedia.org/wiki/Sex_worker)

Many people prefer the term sex work to prostitution because it focuses on the act as a form of labor which is, like other forms of labor, subject to exploitation. This term turns attention away from moral judgments and towards practical problems like unsafe and unfair working conditions. It also emphasizes the fact that sex work is an *activity* and not an *identity*. It has been argued that sex work is not so different from other kinds of work, since all work involves the sale of mental or manual labor involving different parts of the body. (Keulder, 2002)

Critique:

Other people object to the term sex work because it 'normalizes' prostitution. Another argument here is that the inequality inherent in the relation between prostitute and client prevents this transaction from being "work" in the normal sense of the word. (Keulder, 2002)

The term is strongly opposed, however, by many who are morally opposed to the sex industry, such as social conservatives, anti-prostitution feminists, and other prostitution abolitionist. Such groups view prostitution variously as a crime or as victimization, and see the term "sex work" as legitimizing criminal activity or exploitation as a type of labor. (http://en.wikipedia.org/wiki/Sex_worker)

According to The Immoral Traffic (Prevention) Act, 1986, "Sex workers mean the sexual exploitation or abuse of persons for commercial purposes". (D'Cunha, 2009)

It would be interesting to note how the sex workers themselves like to define their work. At the National Sex Workers' Conference at Calcutta, Jo Bindman (1997) said, "We propose the following definition of sex work:" Negotiation and Performance of Sexual Services for remuneration-

- I. With or without intervention by a third party
- II. Where those services are advertised or generally recognized as available from a Specific location.
- III. Where the price of services reflects the pressures of supply and demand”.

(Source: National Sex Workers’ Conference at Calcutta Report, 1997)

It is to be noted that the term sex worker or ‘Youna karmi’ immediately gained currency replacing the various indigenous terms and brought the sex workers’ work to the fore – she become a worker earning her living from sexual labor. (Ghosh, 2006)

After defining sex work, therefore, the researcher would briefly mention the term prostitute and prostitution.

CAUSES FOR SEX WORK

Mathur and Gupta (1965) have described the causes responsible for sex worker’s entry in the profession. They said that the committee on the Moral and Social Hygiene divided prostitutes under the following groups:

- 1) Hereditary(Community, Customs and Social Patterns)
- 2) Religious and traditional
- 3) Victims of social and sociological conditions.
- 4) The highly sexed, pathological cases, pleasure, and luxury loving and temperamentally immoral individuals.

(Sixteenth report of committee on moral and social hygiene, C.S. W.B., New Delhi (1958), p.4)

After elaborating the term ‘Sex Work/er’ , the researcher would like to explain the term ‘Prostitute’ and ‘Prostitution.

CONCEPTS AND DEFINITIONS: PROSTITUTE AND PROSTITUTION

Prostitute/Prostitution

The definition of prostitute and prostitution has differed from time to time and from culture to culture according to prevailing practices and the social policy of the state. The term Prostitution referred usually only to prostitutes among women to meet the masculine needs.

The researcher has quoted below indicated definitions as defined by eminent authors to explain the word 'Prostitute' and 'Prostitution'

The word 'Prostitute' is derived from the Latin word 'prostituta'. Some sources cite the verb as a composition of "pro" meaning "up front" or "forward" and "situere", defined as "to offer up for sale". Another explanation is that prostituta is a composition of pro and statuere (to cause to stand, to station, place erect). A literal translation therefore is: "to put up front for sale" or "to place forward". (<https://en.wikipedia.org/wiki/Prostitution>)

The word prostitute was then carried down through various languages to the present-day Western society. Most sex worker activists groups reject the word prostitute and since the late 1970s have used the term sex worker instead. However, sex worker can also mean anyone who works within the sex industry or whose work is of a sexual nature and is not limited solely to prostitutes. (Keulder, 2002)

Those seeking to remove the social stigma associated with prostitution often promote terminology such as sex worker, sex trade worker or commercial sex worker (CSW) coined by author Robert Anton Wilson. (http://en.Wikipedia.org/wiki/Prostitution#Etymology_and_terminology)

According to, **Suppression of Immoral Traffic in Women and Girls for Prostitution, 1956**, 'The act of a female offering her body for promiscuous sexual intercourse for hire, whether in money, or in kind is prostitute'. (Section 2f) (D'Cunha, 2009)

According to **Garner** (1999), Prostitution is defined as "the act or practice of engaging in sexual activity for money or its equivalent". (Quoted by Duntley and Shackelford, 2008)

According to **Midha** (1989), Prostitution is no longer confined to female offering her body for hire, but includes sexual exploitation or abuse of a male or a child for commercial purpose in India. (Quoted by Bhattacharya, 2003)

According to **T.K Oomen** (1979), what is involved in prostitution is heterosexual interaction which fulfills a basic human need, which is recognized as a normal and legitimate act within the institution of marriage. Therefore, when Prostitution is

discouraged by the society, it is not the sexual act per se which is disapproved, but the context in which it takes place and the motivation behind the act. (Quoted by Mehta, 2000)

Joardar B. (1989) modifying his own earlier definition and defines prostitution as “the practice of habitual intermittent sexual relation more or less promiscuous for money or for other mercenary consideration without emotional attachment”.

According to the **International Encyclopedia of social Sciences (1968)**, ‘Prostitution is the granting of sexual access on a relatively indiscriminate basis for payment either in money or in goods depending on the complexity of the local economic system. Payment is acknowledged to be for a specific sexual performance’.

Pillai (1982) Quoted a Vatsayan (1978) definition which explains prostitute as “an Individual (male or female) who for some kind of reward (monetary or otherwise) or for some other personal satisfaction and as a part or full time profession, engages in normal or abnormal sexual intercourse with various persons who may be of the same sex, or the opposite sex is the prostitute”

The new definition of prostitution has therefore been widened to include: (a) both male and female prostitutes (b) any form of sexual exploitation or abuse for commercial purposes, instead of narrowly restricting prostitution to ‘Promiscuous sexual intercourse’. (D’Cunha, 2009)

NEED OF PROSTITUTION

The need of the prostitution arises from the fact that many men are either unmarried or away from their wives, that such men are not content to remain content and that in a conventionally virtuous community they do not find respectable women available to satisfy their sexual urge. Society therefore sets apart a certain class of women for the satisfaction of those masculine needs which it is ashamed to acknowledge yet afraid to leave wholly unsatisfied. (Ghosh, 1996)

FACTORS AFFECTING PROSTITUTION

According to **Mathur and Gupta** (1965) the various factors which contribute to the supply of girls and women in the market of sex are:

- ✓ Child marriage
- ✓ Dowry System
- ✓ Caste rigidity
- ✓ Early widowhood
- ✓ Social taboos on widow remarriages
- ✓ Dedication of the girls to the temples
- ✓ Abuse of religion by Hindu priests
- ✓ Ignorance and poverty
- ✓ Abuse of their position by privileged sections
- ✓ Attitude of society towards the depressed classes
- ✓ Practice of concubinage
- ✓ The low status of women in society
- ✓ Decay in joint family system
- ✓ Employment of women in Industry
- ✓ Practice of polygamy and polyandry among certain community and the values of society which prevent the reclamation of the woman who has strayed from the path of virtue.

CAUSES FOR PROSTITUTION

Kaustubh Nandan **Sinha** in his article the problem of “Prostitution” an Indian perspective describes about the causes of prostitution which are as follows:

The below figure is developed by the researcher on the basis of article of Sinha (n.d.) accessed from website i.e. <http://www.legalserviceindia.com/article/1269-Prostitution-in-India.html>

Figure 1: Causes for Prostitution



Pillai (1982) describes that many causes, natural, economic, social could be given for the prevalence of prostitution. Poverty is the prime cause as shown by the League of Nations from time to time in different countries.

Mathur and Gupta (1965) have given various causes operating to bring the non hereditary woman in the profession may be summed up as follows:

- 1) Broken homes caused by death of parents or guardians or husband.

- 2) Unhappy married life due to ill-treatment, vices and bad habits of husband like gambling, drinking, illicit relations with other woman, desertion and rejection by husband.
- 3) Bad neighborhood conditions containing centers of prostitution and knowledge that neighbors force their women-folk to enter into illicit relations with strangers for earning money.
- 4) Acute housing shortage on account of which children occasionally witness the love play of their parents.
- 5) Bad companionship in which sex is freely talked by both married and unmarried girls.
- 6) Lack of parental control and improper guardianship.
- 7) Sexual urge, woman's desire for fun and enjoyment and the inability of the husband to give her time and attention.
- 8) Liking for easy life, spirit of adventure, lure of city life and possibilities of enjoying good things of life denied in the parents, or husband's home.
- 9) Poverty
- 10) Caste practices permitting woman to leave her husband and stay with other man.
- 11) Illicit relations.

After explaining the concept and definition of prostitute and prostitution, the researcher would elaborate major concept and definitions related to 'Human Trafficking'.

CONCEPTS AND DEFINITIONS: HUMAN TRAFFICKING

Human trafficking is another term to which sex work is often linked, however, one must understand that human trafficking may be for purposes other than sex work. E.g. illegal organ transplantation, slavery, child labour. human trafficking is operated through third party. It links the clients and the service givers and earns out of this relationship between the demand and supply forces.

Balaji and Noorera (2013) says that human Trafficking is world's third largest illegal activity after smuggling of drugs and weapons, continues to thrive despite adequate legal provisions. According to **Lie and Lund** (2008), Human Trafficking is

a Gray zone Phenomenon. It can be difficult to separate trafficking from prostitution, and not all foreign women in prostitution have been subjected to trafficking.

Trafficking can be defined as the recruitment, transportation, transfer, harboring or receipt of persons, by means of threat or use of force or other forms of coercion, abduction, fraud, deception, abuse of power or a position of vulnerability or giving or receiving of payments or benefits to achieve a consent of a person having control over another person for the purpose of exploitation. Exploitation includes sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude or the removal of organs. (**Prasad, 2007**)

EXTENT OF HUMAN TRAFFICKING

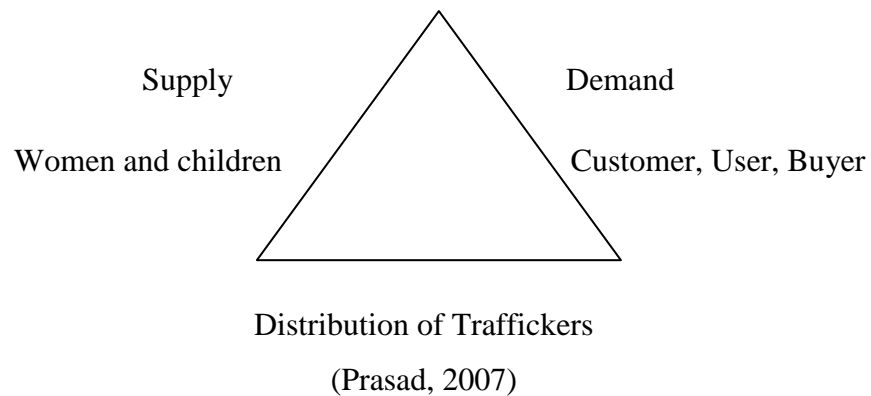
According to **Prasad (2007)**, about two million persons are trafficked every year all over the world. People are trafficked for many purposes. But men, women, and children are trafficked for forced labor into construction, agriculture, shops and factories. Children are trafficked for camel jockeying, and to be child labors, or into brick factories, rug making, sweet shops or cocoa plantations because their small bodies and little fingers are useful in making or packing these products. Women and children are trafficked for domestic servitude and sexual exploitation.

CAUSES FOR HUMAN TRAFFICKING

Prasad (2007) has indicated some causes for human trafficking which are described below.

The causes for human trafficking are complex and often reinforce each other. Victims constitute the supply, and abusive employers or sexual exploiters (also known as sex buyers) represent the demand. The people who act as conduits to traffic persons are traffickers and represent Distribution. Typically, demand side and Distribution side gain economically and the supply side suffers from all angles.

Figure: 2 Distribution of Traffickers



The supply of victims is encouraged by many factors including poverty, the attraction of perceived higher standards of living elsewhere, lack of employment opportunities, organized crime. Violence disparities, socially challenged, government corruption. Political instability and armed conflict.

On demand side, factors driving trafficking in persons include the sex industry and the growing demand for exploitable labour. sex tourism and child pornography have become worldwide industries facilitated by technologies such as the Internet, which vastly expand the choices available to “consumers” and permit instant and merely in detectable transactions. Trafficking is also driven by the global demand for cheap, vulnerable and illegal labor. For example, there is great demand in some prosperous countries of Asia and the Gulf for domestic servants who sometimes fall victim to exploitation or involuntary servitude.

There is an insatiable demand from Middle East for “virgin” brides from Hyderabad city. Often the newspaper and media show a 16 years old bride being married off to a 70 years old Sheikh. What happens after the marriage is anybody’s guess. How many times she will be sold over and again is something that is just not possible to know.

According to the **Hand Book for Law Enforcement on Trafficking in Persons, 2006** published by IMPULSE NGO, Mumbai (2006), Trafficking for persons occurs generally for the following reasons.

- Commercial Sexual Exploitation or abuse of persons.
- Forced Marriages.
- Camel Jockeys

- Domestic Servitude
- Pedophilia
- Call girl racket
- Child or forced/bonded labor
- Organ Transplantation

The researcher finds it necessary to explain another two term which are related to sex work and sex workers namely **Brothel** and **Brothel keeper**. The Researcher felt the necessity to explain the said two terms because Surat sex market was brothel based sex market since its inception from the Mughal Era.

CONCEPTS AND DEFINITIONS: BROTHEL AND BROTHEL KEEPER

BROTHEL

The Immoral Traffic (Prevention) Act of 1986 (ITPA) writes, “Brothel includes any house, room, conveyance or place or any portion of any house, room, conveyance or place which is used for purposes of sexual exploitation or abuse for the gain of another person or for the mutual gain of two or more prostitutes” (Quoted from handbook for law enforcement on Trafficking in persons 2006)

According to the **English Law** (n.d.), “A brothel is a place where the people of opposite sexes are allowed to resort to illicit intercourse whether the women are common prostitutes or not”. (Quoted Mehta, 2000)

According to Varma (1979) , “A house occupied by one woman for the purposes of prostituting herself there in with a number of different when but not allowing other woman to use the premises for a like purpose is not a brothel. (Quoted from Mehta, 2000)

BROTHEL KEEPER

A brothel keeper spends a good period of life in the trade before assuming independent charge of the brothel. She sees right from her first consciousness customers of all ages and all types drawn from various classes. She has known them as the purchaser of her sex and that of other inmates. The premises of business are

small and every transaction and its details take place before her. She has entertained hundreds of men and is, therefore, fully familiar with their attitudes, approaches, sex hunger, weaknesses and paying capacity. By the time she is out of the active engagement of the sale of her own body and looks after the sale of bodies and others, she is well versed in the tricks and techniques of dealing with the customers. She acquires full knowledge and becomes an expert in the methods of extraction and extortion of money. (Mathur and Gupta, 1965)

Finally the researcher would like to explain the terms ‘evacuation’ and ‘displacement’ since this research primarily focuses on the post evacuation status of sex worker in Surat.

CONCEPTS AND DEFINITIONS: EVACUATION AND DISPLACEMENT

EVACUATION

Evacuation is “the act of evacuating; leaving a place in an orderly fashion; especially for protection”. (<https://www.vocabulary.com/dictionary/evacuation>)

According to MacMillan dictionary, “Evacuation is the process of evacuation people from a building or an area that is not safe”. (<http://www.macmillandictionary.com/dictionary/british/evacuation>)

According to Business dictionary, “Evacuation means temporary but rapid removal of people from building or disaster (or threatened) area as a rescue or precautionary measure”. (<http://www.businessdictionary.com/definition/evacuation.html#ixzz4C8s9DHj0>)

DISPLACEMENT

Displaced Person: in terms of Narmada Project by Madhya Pradesh Government has been defined as –

“A displaced person shall mean any person who from at least one year prior to the date of publication of the notification under section 4 of the Land Acquisition Act,

had been ordinarily residing or cultivating land or carrying on any trade, occupation or calling in the area to be affected permanently or temporarily by the project” (Singh,1992)

Displaced Family

- (a) A family shall include husband, wife and minor children and other persons dependent on the head of the family, e.g. widowed mother or old father.
- (b) Every major son will be treated as a separate family (Singh,1992)

HUMAN RIGHTS OF DISPLACED PERSONS

Ali Shaukat (2008) has said the human rights have never had a greater significance than in the period to date. Quoting Mahatma Gandhi he Said,

“Every Human being has a right to live and therefore to find the wherewithal to feed himself and where necessary to clothe and house himself”. (Ali, 2008)

Article 25 of the Universal declaration provided:

Everyone has the right to a standard of living adequate for the health and wellbeing of himself and of his family, including food, clothing, **housing**, and medical care. (Ali, 2008)

Article 11(2) of the International Covenant recognizes:

The right to everyone to an adequate standard of living for himself and for his family including food, clothing and housing and to the continuous improvement of the living conditions. (Ali, 2008)

The expanded meaning of the expression ‘right to life’ as envisaged under article 21 of the Constitution of India includes the right to live with basic human dignity and all that goes along with it namely the bare necessities of life such as adequate nutrition clothing and shelter over the head and facilities for reading, writing and expressing oneself in diverse forms. (Ali, 2008)

It is essential that any law dealing with a disenfranchised population like sex workers must be fundamentally aimed at empowering them. Particularly in the HIV/AIDS

scenario, in order to successfully to tackle the epidemic, it is vital that these vulnerable/ high risk groups are not treated as criminals and their rights are guaranteed. Effectively intervening by methods such as health education, distribution of condoms, vesting human rights and providing capacity for sex workers to organize themselves, would be possible only if a legislative strategy to deal with sex workers is right based. (Thorat, 2002)

There are fundamental ideological differences between the intent expressed in ITPA and the right based approach, and more recently, serious defect in the proposed amendments to ITPA. (Thorat, 2002).

The amendments have renewed the focus on trafficking and third party involvement in prostitution, without recognizing the inherent contradiction in a law, which is silent on the legal status of sex work but makes activities required for sex work illegal. (Thorat, 2002).

DEVELOPMENT AND DISPLACEMENT

According to **Kumar Rahul** (2011), It is common perception that globalization means development which in turn means employment, better wages and economic growth. An area that has no lights, no roads, no schools, or hospital will be seen to be blessed with all these facilities. But who actually reaps the benefit? In the era of Globalization, the model of development is chosen by the state and not by the local people and it is imposed on them and the local, indigenous people are left alienated.

The discourse on development induces displacement in India has shown a very dismal picture and it has been causing serious concern to the government and its policy at large. Since Independence, roughly, sixty million people are supposed to have been displaced in the name of development projects and of them, very few have been resettled successfully. (Kumar Rahul, 2011)

The closure of brothel in places where the law has been strictly implemented has curbed the sale of sex in open and free markets. But at the same time it has led to the development of new tricks and techniques under which the profession continues to thrive clandestinely. The legislative action to eliminate an evil is followed by counter action from those who are determined to perpetuate it in the society. (Mathur and Gupta, 1965)

After brothels were ordered to be closed, their inmates had no alternative but to leave the premises and go in hiding to the secret places in which they could continue the profession without detection by police. They went underground or kept on shifting from place to place or settled down as 'respectable' householders. Agents and intermediates continued to bring customers to them in their new places. Contacts among them had not been lost and they as shrewd businessmen knew the corners from where customers could be obtained and the place where they could be taken with safety. (Mathur and Gupta, 1965)

Ved Pal, a resident of Delhi, who had filed the RTI, said that though he had sought information on what steps government was taking to rehabilitate the sex workers and to bring them back to the mainstream, he did not get a satisfactory reply. "The government must find a way to identify women who have entered this profession for financial compulsions and they must be rehabilitated," Pal said. (<http://timesofindia.indiatimes.com/india/6-8-lakh-sex-workers-in-India-Delhi-red-light-capital/articleshow/6193566.cms>)

According to, Mandeep Dhaliwal (1997), Indulging in the act of judicial adventurism on January 17, 1996, the high court of Bombay admitted a suo moto writ petition to rescue underage sex workers being forcibly detained in Mumbai brothels. This was done as a reaction to an article in the Indian Express about the spread of HIV among the minor sex workers of Mumbai.

On February 5, 1996, in approximately 50 simultaneously conducted raids, 484 allegedly underage sex workers were forcibly removed from the red light areas of Kamathipura, Falkland Road and Foras road. They were remanded to state custody under section 13(2) of the juvenile Justice Act for neglected Juveniles. By definition, a neglected juvenile is not someone who has committed an offence. Under the Immoral Traffic (Prevention) Act 1956 PITA, a prostitute itself not an offence. However instead of the pimps, brothel owners and keepers, landlord and procurers, who are supposed to be penalized under the Act, the 'Rescued' women were treated as the culprits. During this raids it seems that only 80 persons from the formal category were taken to task. (Mandeep Dhaliwal, 1997)

According to senior police official, "by registering cases under PITA the police cannot solve the problem. In fact, most cases registered under PITA penalize

prostitutes who are the victims. Few cases are made out against brothel keepers or procurers. Even if the cases are made out, less than 10 are convicted each year. Mandeep Dhaliwal (1997)

After being evicted by local authorities from the brothel where they lived and worked in the Midnapur district of Bengal, a number of sex workers wanted to air their grievances and seek redress. They wrote a letter, signed “Displaced Prostitutes,” that was published in the local newspaper in Bengal. It was September 1854, 2. (Crago, 2008)

SECTION – C : TYPOLOGY OF SEX WORKERS

The sex workers could be classified into various categories based upon aspects such as age, nature, ways of dealing, structure within which they operate the degree of mobility and control over their lives. However the researcher would like to classify the sex workers into two broad categories.

1. Traditional Classification of sex workers
2. Modern Classification of Sex Workers

SECTION - C.1. : TRADITIONAL CLASSIFICATION OF SEX WORKERS

KAUTILYA’ S ARTHSHAstra

According to Kautilya author of the ‘Arthshastra’, Sex workers can be classified into below indicated categories. Vatsayan’s Kamsutra has divided Prostitution into first two categories of below indicated

- Ganikas - were those who were beautiful and knew arts and were Honored by kings, poets etc.
- Roopjivinis - were those who were beautiful, youthful and having sex appeal.
 - ‘Kulata’ (the secretly unchaste women),
 - ‘Svairini’ (the openly unchaste women),
 - ‘Nati’(the dancing girl),
 - ‘Silpakarika’ (the female artisan)
 - ‘Prakasavinasta’- the woman who has openly left her family,

- ‘Rupajiva’ – the ordinary harlot who lives on her beauty,
- ‘devdasis’ – religious prostitute
- Kulta ---The woman who shared her bed with two men
- ‘Darshini’---The woman who shared her bed with three men
- ‘Pungas-chalea’ The woman who shared her bed with four men
- ‘Veishya’The woman who shared her bed with five men
- ‘Mahavishya’ The woman who shared her bed with six or more men
- ‘Strivyavharinah’—traders in women

According to Agrawal (1993), sex workers can be divided as under-

1. ‘Ekparigraha’ —————> One who lives as one man’s concubine,
2. ‘Anekparigraha’ —————> One who resorts to more than one man
3. ‘Aparigraha’ —————> Without attaching herself to anyone.

He has elaborated almost same types of prostitutes as elaborated in Kautilya’s Arthshastra. He added two types of prostitute except indicated in Kautilya’s Arthshastra which are i.e. ‘Kumbhadasi’ (Bawd), ‘Paricharika’ (the female attendant). (Agrawal, 1993)

According to Ghosh (2006), Sex workers can be classified into below indicated categories.

- Call girls
- Highway queens
- Bar girls
- Younakarmi
- Patita
- Varangana
- Randi
- Khanki
- Streetwalkers who solicit on road and public places.
- Mistresses and concubines who stick to one man at a time

According to **Mathur & Gupta** (1965) in the pauranic age women were divided into six categories on the basis of their virtue as listed below:

- ❖ The woman who was attached body and soul to one husband was considered 'Pativrata',
- ❖ The woman who shared her bed with two men was called 'Kulta',
- ❖ The woman who shared her bed with three men was described as 'Darshini',
- ❖ The woman who shared her bed with four men was called 'Pungas-chalea',
- ❖ The woman who shared her bed with five men was called 'Veishya'
- ❖ The woman who shared her bed with six or more men was called 'Mahavishya'

HEREDIATARY PROSTITUTION

In our country, even today the system of 'Devdasis' in Maharashtra and Karnataka boarder area is continued wherein girls are dedicated to the service of 'Yellamma' a Hindu deity. 'Murlis' in Maharashtra and 'Durga' in Khandesh exist in the name of traditions and under the authority of religion, which is called the process of dedicating and virginity of young women to God. (Mehta, 2000)

As Quoted by Mehta (2000), In Konkan, sex workers are considered to be respectable or holy for they are 'Akhand Saubhagyavati – whose husband never dies', and there is a custom of blessing a bride by the 'Devdasis'. Even the Mangal Sutra of the bride has to be prepared by Devdasis only.

NATURE BASED CLASSIFICATION

According to **Mathur and Gupta** (1965), prostitution can be divided in five types on the basis of nature of their profession. The same typology can be depicted figuratively as under:

Figure: 3 Nature of profession



Beriyas also belong to hereditary group among whom the business of selling of sex is handed down from mother to daughter. It runs the business both with the help of women of the family and girls procured from outside. Both mother and daughter among Beriyas can do business simultaneously. Beriya girls start as a public prostitute and desires to end as a mistress. Beriyas do not trust their customers and the girls are not allowed to move out with them.

Deredars belong to hereditary group among whom the business of selling of sex is handed down from mother to daughter. They are the descendants of the singers and dancers maintained at the Mughal courts for the entertainment of the royalty and nobility. They engage themselves in the profession they do not sell or purchase their daughters for the same. Deredars mother retires from business after the daughter's entry. The Deredar girl starts as a mistress and ends as a public prostitute.

Takyaies girls and women are seduced and brought from outside and for them prostitution is not a hereditary trade. They carry on their business at a fixed place, whereas the moving stock is always on move from city to city. Their movements are not independent but are planned by the man under whose custody and protection they

happen to be living. Girls in moral danger are young. They are unwilling to enter the trade. They are apprehended by the police from the brothels or at the time when attempts are being made to sell or transfer or to bring them in active profession.

Takyaies are cheap prostitutes. Even when they become brothel keepers, their inmates cater to the poorer class of customers. By the time Takyaais sets up her independent business or establishes a brothel, she has already spent a best part of her earning period under a brothel keeper's control and her flesh has become stale.

Moving stock girls and women are seduced and brought from outside and for them prostitution is not a hereditary trade. They are sold in the hotels. It is being transferred from place to place under the care and supervision of its custodians and protectors.

SECTION - C. 2. : MODERN CLASSIFICATION OF SEX WORKERS

The modern classification of prostitutes is made by the **Advisory Committee on Social and Moral Hygiene**. They are

1. Hereditary group who enter the profession due to the custom of family patterns like Naiks.
2. Religious and social groups. Here, the girls are drawn into the profession due to religious customs like Devdasis.
3. Social Practice and Sociological conditions i.e. due to economic necessity, ill-treatment by husband and in-laws, widows, etc.
4. The highly sexed, pathological cases, pleasure, and luxury loving and temperamentally immoral individuals.

(Source: Sixteenth report of committee on moral and social hygiene, C.S. W.B., New Delhi (1958), p.4)

The Second classification is according to their ways of dealing. They are:(quoted from Mehta, 2000)

1. Registered prostitutes, who stay in brothel.
2. Society prostitutes like call girls.
3. Streetwalkers who solicit on road and public places.

4. Clandestine prostitutes who live as respectable women and are not easily Identifiable
5. Mistresses and concubines who stick to one man at a time.

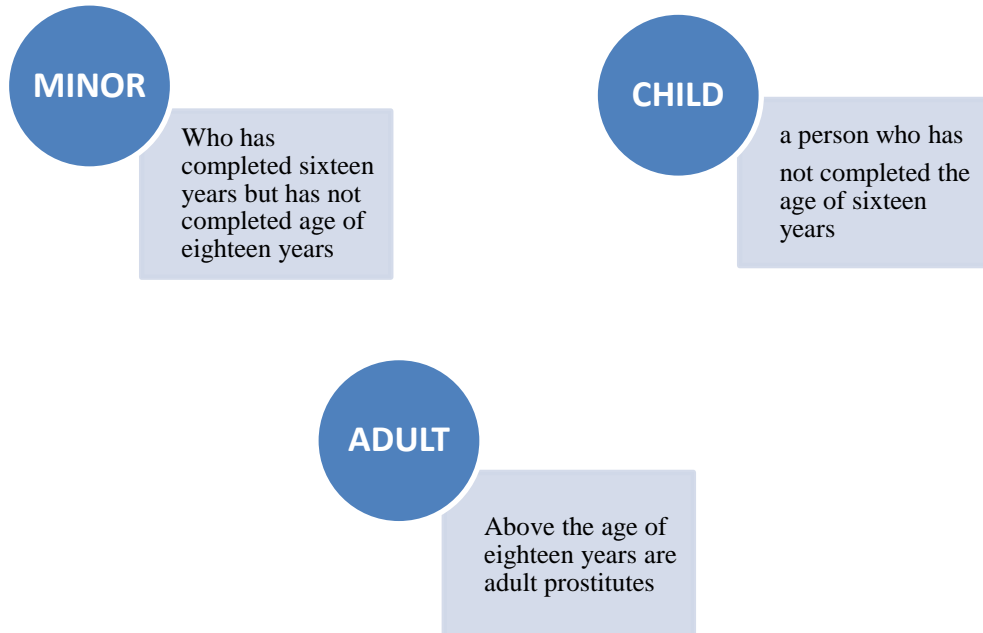
More categories can be added to this list.viz. (Quoted form Mehta L, 2000)

6. Highway queens who operate on National highways catering to the needs mainly of truck drivers and other frequently traveling (by road) men.
7. Bar girls / Massage parlor/ Dancing Girls / Strippers – both male and females who, one and above their official jobs, cater to the sex needs of their clients.

AGE BASED CLASSIFICATION

As per The Immoral Traffic (Prevention) Act, 1986, age based classification is as under Section 2(C) (i). (Mehta, 2000). The same typology can be depicted figuratively as under:

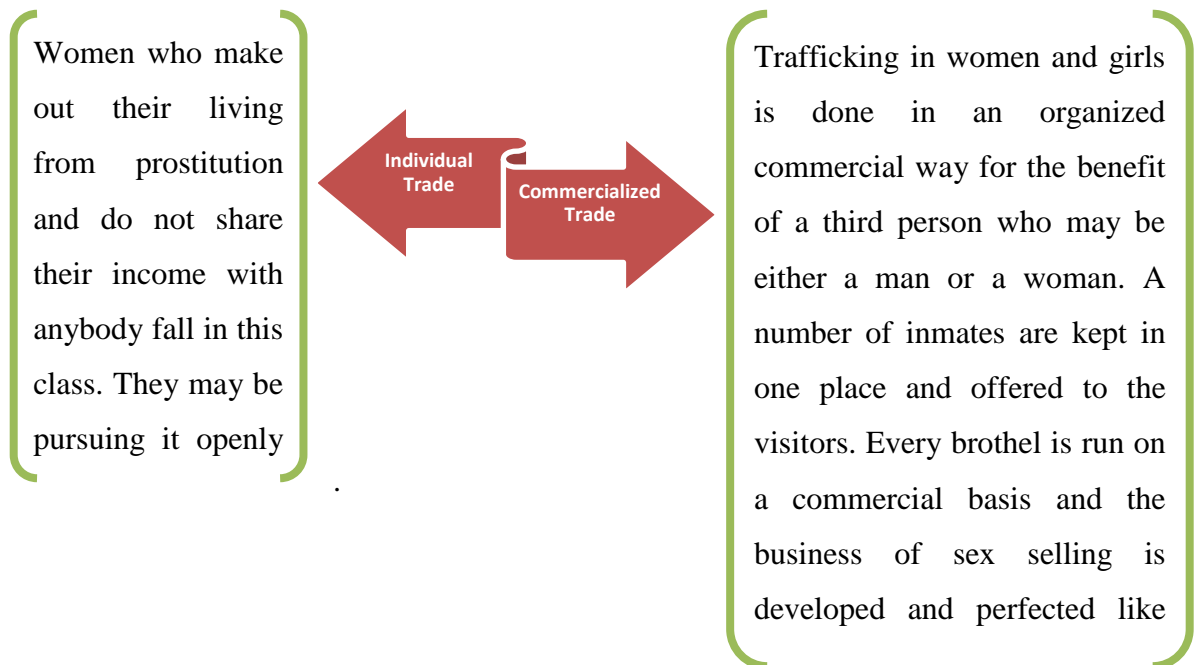
Figure: 4 Age based classification



ON THE BASIS OF GAINS

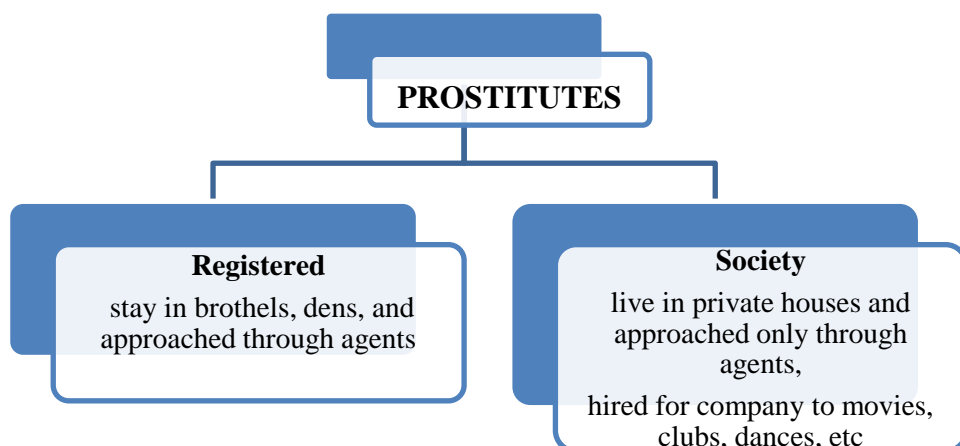
According to, **Mathur and Gupta(1965)**, Prostitution may be divided into two broad categories on the basis of the distribution of the gains of the prostitution. The same typology can be depicted figuratively as under:

Figure: 5 Classification of Sex Workers on the basis of Gains



According to **Kumar (1961)**, prostitutes can be classified into two broad groups. The same typology can be depicted figuratively as under:

Figure: 6 Classification of Sex workers on the basis of Payments



Registered Prostitutes are mostly poorly paid, socially insulted, mentally ill and physiologically diseased.

Society prostitutes are highly paid girls. They are comparatively healthy, better adjusted, quite educated and enjoy social life in its fullest sense. They are said to have taken this occupation as a secondary job to supplement their earnings. These girls usually belong to a higher social stratum.

Prostitution in urban India as elsewhere is hierarchically structured; there are **three main classes of female prostitutes** categorized on the basis of structure within which they operate the degree of mobility and control over their lives, their earning and their amenities. (D'Cunha, 1984). The **first category** includes the street-walkers and the brothel-owned prostitutes. The street walkers may function independently or may have pimps. Without pimps, they are very vulnerable to harassment from clients, the police and thugs, with little or no way combating them. Clients may even refuse to pay. Having a pimp is not much better. They exploit them economically, emotionally, physically and sexually. Street walker may earn anything between 50 p. and 20 p. a day and there are days on which they earn nothing. (D'Cunha, 1984)

The cage-brothel prostitute is attached to and housed in a brothel which has a landlord who rents the premise, a brothel keeper who runs the brothel, pimps, procurers and retinue thugs. The cage-brothel prostitute is strictly confined to the brothel in the first few years of entry into the profession, lest she escapes. Her earnings may, on average, range from Rs. 10 to Rs. 50 a day with nearly half to three-fourth being appreciated by the brothel keeper. Daily earning of the prostitutes fluctuate and they are often in Debt. (D'Cunha, Jean, 1984).

The **second category** of prostitutes is the independently operating lower middle class women. They may have pimps. Many of them hold regular jobs and may resort to prostitution regularly and intermittently, as a way of supplementing their meager incomes. These women may also operate through massage parlors, health clubs, dancing schools, or meet clients through jobs as waitresses or bar girls.

The **third category** of prostitutes is the upper-class clandestine call girls who may own apartments with telephone and other amenities. They either operate

independently or through a 'contact' or may have a regular clientele who pay exorbitant fees of Rs. 500 or more per night. (Truong, Thanh-Dam; 1985)

According to Kaustubh Nandan Sinha (n.d.) in his article called the problem of "Prostitution" an Indian perspective describes that different kinds of prostitution is prevailing apart from prostitutes in brothel in modern India and they are: (<http://www.legalserviceindia.com/article/1269-Prostitution-in-India.html>)

-  Street prostitutes
-  Bar dancers
-  Call girls
-  Religious prostitutes
-  Escort girls
-  Road side brothel
-  Child prostitutes

SECTION – D : LEGAL PROVISIONS FOR SEX WORK

JUDICIAL DIRECTIONS, GUIDELINES AND LEGISLATION.

The researcher has elaborated legal provisions in two broad categories namely

1. Global judicial directions and guidelines for prostitutes and prostitution
2. Indian Judicial directions and guidelines for prostitutes and prostitution.

INDIAN SCENARIO

India is signatory to most international human rights instruments relevant to trafficking in women and girls, including the Convention for the Suppression of Traffic in Persons and of the Exploitation of the Prostitution of others (The Trafficking Convention), The International Covenant on Civil and Political Rights (ICCPR), and antislavery conventions. (South Asia Regional workshop report, 2001 by Maharashtra State Commission for women).

According to Prasad (2007), the government of India being a signatory to the Convention on the elimination of all forms of discrimination against women also brought about legislations responding to Article 16 dealing with family law and family life.

The primary legal framework that deals with the problems of trafficking in the prevention of human trafficking is ITP Act of 1986. This Act is supplemented by the provisions of the Indian Penal Code (IPC) that are based on the 1949 Convention for the suppression of the traffic in persons and of the exploitation of the prostitution of others. (Prasad, 2007)

Section 8 of the ITPA permits the arrest of women in Prostitution. Although statistics on arrests under Section 8 are not kept, the government and some NGOs report that, through sensitization and training, police officers no longer use this provision of the law; it is unclear whether arrests of women in prostitution under Section 8 have actually decreased. Because most law enforcement authorities lack formal procedures to identify trafficking victims among women arrested for prostitution; some victims may be arrested and punished for acts committed as a result of being trafficked. (Prasad, 2007)

The Immoral Traffic (Prevention) Act does not prohibit prostitution per se. It penalizes commercial sex workers who are caught soliciting customers in public places whether by words or gestures or willful exposure of a person. It is ironic that a sex worker can practice her profession inside a house but cannot solicit clients on the streets. The law has several loopholes. Another incongruity is that while minor girls are rounded up during raids and detained in homes, the pimps, brothel keepers, and clients go scot-free. They also manage to secure bail and continue running their business while blatantly exploiting the minor girls. (Prasad, 2007)

The Immoral Trafficking Prevention Act (ITPA) criminalizes the offences of selling, procuring, and exploiting any person for commercial sex as well as profiting from prostitution. However, section 8 of ITPA also criminalizes the act of solicitation for prostitution, which has been used in the past to arrest and punish women and girls who are victims of trafficking. The Inter-Ministerial Committee on Trafficking in persons has drafted revisions to ITPA in consultation with civil society groups and has submitted these revisions to Parliament for consideration. The revisions would eliminate Section 8, thereby affording victims of trafficking greater protections. (Prasad, 2007)

Thus, we find that the penal section and punishment are not commensurate with the dimension of this problem and the damages it is causing to the social fabric of society.

Therefore, the quantum of punishment should be increased. As well, the onus of proof (Section 114A Indian Evidence Act) should be on the trafficker particularly when the victim is complaining. (Prasad, 2007)

Any property or structure, be it a building or a vehicle or a farm house, used for the purpose of trafficking or is proved to have been procured out of the earnings of the trafficking should be seized, forfeited and auctioned. The proceeds of the auction should be deposited in the state Exchequer which can be later on used to fund the Rehabilitation Homes. (Prasad, 2007)

The Indian Constitution Specially prohibits trafficking in persons. Article 23 in the fundamental rights section of the constitution, states, and “traffic in human beings...and other similar forms of forced labor are prohibited”. The two principal laws that address trafficking and prostitution are the Suppression of Immoral Traffic in Women and Girls Act of 1956(SITA), and the Immoral Traffic in Persons Prevention Act of 1986 (ITPPA). Neither law prohibits prostitution per se, but both target commercialized vice and forbid soliciting. SITA’s chief drawback was its criminalization of the female practitioner of prostitution. The language of the law defined the prostitute as female, thereby exempting males in prostitution from criminalization. (South Asia regional workshop, 2001)

The Immoral Traffic in Persons Prevention Act of 1986 (ITPPA), amended the 1956 SITA in important ways. However, its basic goals and premises remain much the same as those of SITA.(South Asia Regional Workshop Report, 2001)

Public place in context of this law includes places of public religious worship, educational institutions, hostels, hospitals etc. A "notified area" is a place which is declared to be "prostitution-free" by the state government under the PITA. Brothel in context of this law is a place which has two or more sex workers (2a). Prostitution itself is not an offence under this law, but soliciting, brothels and pimps are illegal.(https://en.wikipedia.org/wiki/Prostitution_in_India)

Kaustubh Nandan Sinha (n.d) in his article problems of prostitutes: Indian perspective says that some people opine that prostitution shall be made legal in India and accept them as a part of society because the problem of prostitution is inevitable. The benefit of legalizing prostitution in India will be that at least we will have a track record of

Sex workers as for example when dance bar in Bombay were closed most of the bar dancers migrated to Gujarat and Karnataka and other neighboring state and started their business undercover. Legalizing prostitution will see these women, who live life on the edge everywhere, gaining access to medical facilities, which can control the spread of AIDS. There is a very strong need to treat the sex industry as any other industry and empower it with legal safeguards. The practical implications of the profession being legal would bring nothing but benefits for sex workers and society as a whole. Keeping prostitution illegal also contributes to crime because many criminals view prostitutes and their customers as attractive targets for robbery, fraud, rape, or other criminal acts. The criminals realize that such people are unlikely to report the crimes to police, because the victims would have to admit they were involved in the illegal activity of prostitution when the attacks took place, now if it is legal then they will easily go and report this to police. Benefits of legalizing prostitution are: (<http://www.legalserviceindia.com/article/1269-Prostitution-in-India.html>)

Arguments in favor of legalization of sex work:

- Legalization of prostitution and the sex industry will stop sex trafficking.
- Legalization of prostitution will control the sex industry.
- Legalization of prostitution will decrease clandestine, hidden, illegal and street prostitution.
- Legalization of prostitution will protect the women in prostitution as they will have rights.
- Women in systems of Prostitution want the sex industry legalized as they are the one who suffers the most as they don't have any rights.
- Legalization of prostitution will promote women's health as they can have easy access to medical facilities which they don't have when it is illegal.
- Recognizing prostitution as an economic activity, thus enabling women in India to obtain working permits as "sex workers".

The demand for legalization and licensing of prostitution has arisen, so as to allow for unionization of prostitutes against police harassment and for provision of welfare measures for prostitute women and their children. It is necessary to critically examine existing prostitutes' organizations and their demands, so as to determine the real interests that these organizations represent. (D'Cunha, 2009)

VIEW OF INDIAN SUPREME COURT

India's Supreme Court has asked the government to consider whether it might legalize prostitution if it is unable to curb it effectively. The court said legalizing prostitution would help in the monitoring of the trade and rehabilitating sex workers. The court's remarks came while dealing with a public interest litigation filed by an NGO about child trafficking. The court said child trafficking and prostitution were flourishing because of poverty. (http://news.bbc.co.uk/2/hi/south_asia/8405154.stm)

GLOBAL SCENARIO

The researcher has come across the article of an author Keulder Erna which explains the global scenario of sex trade.

Trafficking in persons violates the universal human right to life, liberty, and freedom from slavery in all its forms. Trafficking of children violates the inherent right of a child to grow up in a protective environment and the right to be free from all forms of abuse and exploitation. (Prasad, 2007)

The earliest measure to combat international traffic in women and girls was the adoption of the International Convention for the suppression of the white slave traffic signed at Paris on 4th May 1910. This convention stipulated that any person who, to gratify the passions of others, has hired, abducted or enticed, even with her consent, a woman or a girl who is minor, for immoral purposes, even when the various acts which together constitute the offence were committed in different countries, shall be punished. (Prasad, 2007)

The Paris convention of 4 October 1921 and Geneva Convention of 30 September 1921 and of 11 October 1933 extended terms of 1910 convention to include persons under the age of 21. But this convention was replaced by the United Nations Convention for the suppression of the traffic in persons, and of the exploitation of prostitution of others, signed on 21st March 1950. (Prasad, 2007)

To prevent sale of children for the purpose of their widespread exploitation in prostitution, pornography, organ transplantation, armed conflicts, and adoptions and

as migrant labors, the United Nations adopted the Convention of the Rights of the Child. (Prasad, 2007)

International legislation will have to be set up to fight against procuring and exploiters of human trafficking which must follow two objectives as indicated below.

The dismantling of the networks leading to prostitutions and

The repatriation of persons who are victims of these networks and creation of a fund to help them.

United Nations and its relevant organizations such as UNICEF, UNESCO, Human Rights Commission, Interpol and the International governmental organizations such as the International Abolitionist Federation and the Salvation Army have been operating in different parts of the world creating public awareness of the grave social and human problems mobilizing support in combating prostitution and exploitation of children worldwide. Special Reporters from the United Nations are deputed to different countries to investigate into the problems arising out of prostitution and its allied issues. They also look into the implementation aspects of Conventions, agreements, declarations, etc. adopted by the United Nations and the laws and Policies and their enforcement. (Prasad, 2007)

Keulder Erna has focus on different type of international measures on trafficking which are as follows

According to Keulder (2002), There are a number of international sets of principles and recommendations which have been put forward by various groups. These documents have no official status, but may provide useful reference points for policy-makers:

- **World Charter for Prostitutes' Rights**, a manifesto drafted in 1985 by Prostitutes from a range of Western countries and used as a guideline by a number of prostitutes' rights groups and sex worker support groups in different parts of the world , which advocates decriminalization
- **Proposed United Nations Convention Against Sexual Exploitation**, promoted by the Coalition against Trafficking in Women, which takes an abolitionist approach to prostitution.

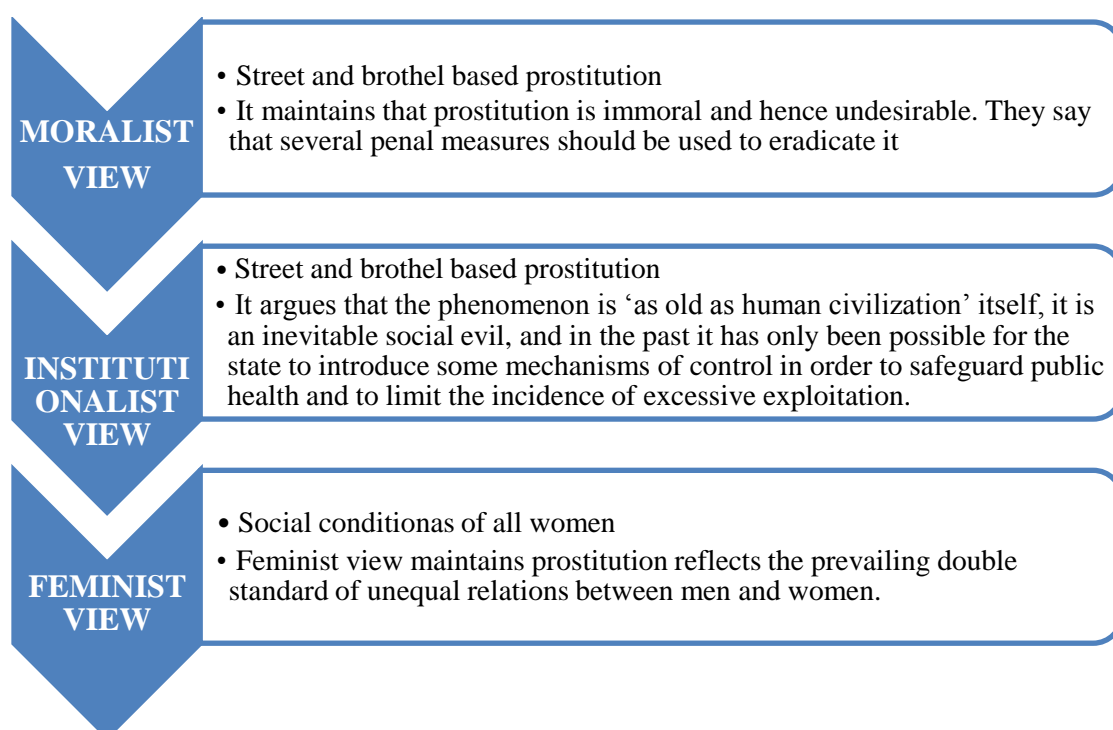
- **Dhaka Declaration II**, a statement from a 1995 conference organized by the Coalition against Trafficking in Women and attended by 400 participants from around the world, which elaborates on the abolitionist approach.

Human Rights Standards for the Treatment of Trafficked Persons and Recommendations, a document promoted by the Global Alliance against Traffic in Women, which collects standards from international human rights law and focuses on their application to the issue of trafficking.

SECTION – E : APPROACHES AND VIEWS ON SEX WORK

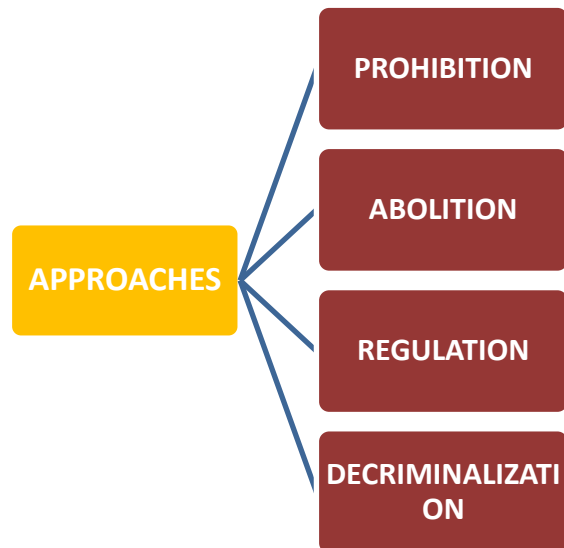
According to Truong (1985), there are three views on prostitution. The same can be depicted figuratively as under:

Figure: 7 Views on Prostitution



According to Keulder Erna (2002), There are four basic legal approaches to prostitution i.e. prohibition, abolition, regulation and decriminalization. The same typology can be depicted figuratively as under:

Figure: 8 Approaches on Prostitution



Prohibition punishes all persons involved in prostitution, including the sex worker, the client and any third parties involved. All prostitution is considered unacceptable, and most or all aspects of prostitution are **criminalized**.

Problems: In practice, it is usually the female prostitute who is targeted for punishment, with laws against clients and traffickers being rarely enforced. The illegality of prostitution under this system can encourage corruption and blackmail, and makes prostitutes more vulnerable to abuse.

Abolition punishes third parties such as pimps, brothel-keepers and traffickers, but does not criminalize the transaction between the sex worker and the client. The prostitute is not criminalized directly because she is seen as being a victim.

Problems: Because this view makes no distinction between forced and voluntary prostitution, it sees all prostitutes as passive victims who need to be rescued. This negates the idea of individual choice.

Regulation tolerates prostitution, but seeks to control it by means of regulatory schemes such as licensing of brothels, registration of sex workers or identification of "red light zones" where sex workers may solicit. Sometimes mandatory health checks are part of the regulatory system. This approach is also referred to as legalization.

Problems: This system creates a distinction between 'legal' and 'illegal' prostitution, and thus can create a particularly vulnerable underclass of sex workers who are working outside the regulatory system.

Decriminalization views sex work as a legitimate form of work, to be approached through labor laws which address working conditions and the rights of prostitutes. Laws on sex work focus on combating coercion and violence, rather than on prostitution itself.

Problems: Although this approach is gaining increasing international support, some find it unacceptable for the state to condone a practice which they find immoral or unacceptable. It is also argued that prostitution is inherently degrading and should never be accepted as a legitimate profession. Decriminalization may also identify a country as a destination for trafficked women and children or for sex tourism.

Figure : 9 AN OVERVIEW OF APPROACHES TOWARDS SEX WORKERS IN THE WORLD

Sr. No	Country Name	Year	Approach	Explanation
ASIA				
1	Bangladesh	n.d.	<i>Regulatory</i>	Prostitution in Bangladesh is legal. Prostitution is legal in Bangladesh, but the Bangladesh constitution provides that the “ State shall endeavor to prevent gambling and prostitution”. Various provisions of different laws prohibit child prostitution and forced prostitution. Male prostitution is illegal, but everything else is legal. Pimping and owning a brothel is also legal. (https://en.wikipedia.org/wiki/Prostitution_in_Bangladesh)
2	Bhutan	n.d.	<i>Abolition</i>	Prostitution in Bhutan is illegal but in many of Bhutan’s border towns there are people openly practicing in the trade. (http://en.wikipedia.org/wiki/Prostitution_in_Bhutan)
3	India	Since 1956	<i>Regulatory approach which is essentially prohibitionist</i>	Prostitution is not illegal or a criminal offence in India but soliciting prostitution and prostitution in public place are illegal. Brothel ownership and pimping are illegal in India. The laws relating to sex work in India deal with trafficking, rather than prostitution itself. Enormous numbers of Nepalese women are still working in Indian sex market. The key problem seems to be that top politicians and police officials are reportedly in league with the mafia who control the sex industry, exchanging protection for cash payoffs and donations to party campaign funds. (https://en.wikipedia.org/wiki/Prostitution_law)
4	Maldives	n.d	<i>Abolition</i>	Prostitution in Maldives is illegal and foreigners who engage in prostitution can expect to be deported and Maldivians can expect a prison sentence. (https://en.wikipedia.org/wiki/Prostitution_in_the_Maldives)
5	Nepal	Since 1980	<i>Regulatory approach which is essentially prohibitionist</i>	Although there are no laws in Nepal criminalizing sex work specifically, there are some laws that were enacted throughout the 1980s that criminalize trafficking within and outside of Nepal that are wrongfully used towards sex work. In 1986, the Traffic in Humans (Control) Act was passed in Nepal and was aimed at stopping trafficking in the form of prostitution. (https://en.wikipedia.org/wiki/Prostitution_in_Nepal)
6	Pakistan	1950	<i>Prohibition Allowed Dancing Girls</i>	Prostitution has no legal recognition in Pakistan. Moreover, despite growth of male prostitution and gay prostitution; homosexuality is outlawed in the nation. In the 1950s, "dancing-girls" were legitimized as "artists" in a High Court order. Thus they were permitted to perform for three hours in the evening. This is the only legal cover they have obtained till date. (https://en.wikipedia.org/wiki/Prostitution_in_Pakistan)

7	Sri Lanka	n.d	<i>Abolition</i>	Prostitution itself is not illegal in Sri Lanka, however, soliciting and running brothels is an offence under the vagrants ordinance and the brothels ordinance. It is also illegal to procure and traffic persons for prostitution. (https://en.wikipedia.org/wiki/Prostitution_in_Sri_Lanka)
8	Thailand	Since 1996	<i>Regulatory</i>	Prostitution is not a criminal offense, but soliciting prostitution is illegal. Brothel Ownership and pimping are illegal in Thailand. In practice, It is tolerated and partly regulated. (http://prostitution.procon.org/view.resource.php?resourceID=000772)
AFRICA				
9	Malawi	n.d.	<i>Prohibition</i>	Prostitution in Malawi is illegal but it is widespread and laws prohibiting are rarely enforced. (https://en.wikipedia.org/wiki/Prostitution_in_Africa)
10	Senegal	1969	<i>Regulatory</i>	Prostitution has been legal since 1969. According to Senegalese law, Prostitution is legal and regulated. Prostitutes must be at least 21 years of age, register with the police, carry a valid sanitary card, and test negative for sexually transmitted infections. (https://en.wikipedia.org/wiki/Prostitution_in_Africa#Zambia)
11	South Africa	Since 1975	<i>Prohibition</i>	Prostitution in South Africa has been illegal since the 1957 Sexual Offences Act (SOA), and the purchase of sex was added as an offence in a 2007 amendment. https://en.wikipedia.org/wiki/Prostitution_in_South_Africa
12	Zambia	n.d.	<i>Abolition</i>	Prostitution is legal in Zambia but brothels and pimping are illegal. Zambia has a huge problem relating to child prostitution. There is a mistaken belief having intercourse with a virgin will cure AIDS. (https://en.wikipedia.org/wiki/Prostitution_in_Africa)
13	Zimbabwe	Since 1983	<i>Prohibition</i>	Prostitution in Zimbabwe is illegal but since the increase of famine in the country prostitution has thrived. Ownership of brothels and pimping are also illegal in Zimbabwe. (https://en.wikipedia.org/wiki/Prostitution_in_South_Africa)
NORTH AMERICA				
14	Canada	Since 2014	<i>Abolition by means of client criminalization</i>	Brothel ownership and selling sex is legal, but buying sex became illegal on Dec. 6, 2014 in Canada. Buyers face a minimum \$500 fine and up to five years imprisonment. Pimping is illegal in Canada. (http://prostitution.procon.org/view.resource.php?resourceID=000772)

EUROPE				
15	ENGLAND & WALES	Since 2006	<i>Decriminalization</i>	The Labor government raised the possibility of loosening the prostitution laws and allowing small brothels in England and Wales. According to the law that is still current, one prostitute may work from an indoor premises, but if there are two or more prostitutes the place is considered a brothel and it is an offence. Plans to allow "mini brothels" were abandoned, after fears that such establishments would bring pimps and drug dealers into residential areas. (https://en.wikipedia.org/wiki/Prostitution_in_the_United_Kingdom)
16	Germany	Since 2006	<i>Regulatory</i>	Prostitution is legal in Germany. Until 2002, prostitutes and brothels were technically not allowed to advertise about sexual services but in July 2006, as a consequence of the new prostitution law, advertising of sexual services is no longer illegal. Child prostitution (under the age of eighteen years) in any form is illegal. (https://en.wikipedia.org/wiki/Prostitution_in_Germany)
17	Sweden	Since 1999	<i>abolition</i>	Pimping, procuring and operating a brothel are illegal. The criminalization of the purchase, but not selling of sex was unique when first enacted in 1999. Sweden has adopted abolition approach by means of client criminalization. (https://en.wikipedia.org/wiki/Prostitution_in_Sweden)
18	The Netherlands	Officially legal since 2000	<i>Regulatory</i>	The country is internationally known for its red light districts. Prostitution has never been illegal in the Netherlands. Sex workers can unionize, and they have had to pay taxes since 1996. In October 2000, brothels were formally legalized and placed on the same footing as any other business. Aim for regulating sex work is to provide protection to sex workers. (Keulder,2002)
AUSTRALIA				
19	New South Wales	Since 1979	<i>Decriminalization</i>	Prostitution in NSW is decriminalized, with brothels coming under local council planning regulations like any other business. Some activities remain illegal, such as child prostitution. (http://catwa.org.au/?q=Statelegislations)
20	New Zealand	Since 2003	<i>Decriminalized</i>	Prostitution (sex work), brothel keeping, living off the proceeds of someone else's prostitution and street solicitation are legal in New Zealand. Coercion of sex workers is illegal. Child Prostitution is illegal (Under the age of 18) under the prostitution reform act, 2003. (https://en.wikipedia.org/wiki/Prostitution_in_the_United_Kingdom)
21	Victoria	Since 1995	<i>Regulatory</i>	Brothel prostitution was legalized in 1994 with the Prostitution Control Act 1994. In 2011, The act was amended through the Sex Work and other Acts Amendment Bill and it is now referred to as the Sex Work Act 1994. Street prostitution remains illegal. The aim of the legislation was to remove the criminal element in the industry, especially the use of underage and trafficked women, and to provide better regulation. (http://catwa.org.au/?q=Statelegislations)

Figure : 10 LEGAL PROVISIONS REGARDIGN PROSTITUTION IN INDIA OVER THE YEARS: HISTORIC OVERVIEW

Sr. No.	Name of Law	Enactment year	Provisions	Punishment
1	Indian Penal Code, 1860 (Act No. 45, 1860) Section 372-373	1860	Section 372: Whoever sells, lets to hire, or otherwise disposes of any [person under the age of eighteen years with intent that such person shall at any age be employed or used for the purpose of prostitution or illicit intercourse with any person or for any unlawful and immoral purpose, or knowing it to be likely that such person will at any age be] employed or used for any such purpose, shall be given punishment as listed in beside column. (https://indiankanoon.org/doc/1938563/)	shall be punished with imprisonment of either description for a term which may extend to ten years, and shall be liable to fine. (https://indiankanoon.org/doc/1938563/)
			Section 373 : Buying minor for purposes of prostitution, etc Whoever buys, hires or otherwise obtains possession of any [person under the age of eighteen years with intent that such person shall at any age be employed or used for the purpose of prostitution or illicit intercourse with any person or for any unlawful and immoral purpose, of knowing it to be likely that such person will at any age be] employed or used for any purpose, shall be given punishment as listed in beside column (https://indiankanoon.org/doc/530949/)	shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine. (https://indiankanoon.org/doc/530949/)
2	Devdasi Security Act	1934 and reinfo rced in 1980	According to the 1934 Devdasi Security Act, this practice is banned in India. The practice of dedicating Devdasis was declared illegal by the government of Karnataka in 1982 and the government of Andhra Pradesh in 1988 . (http://www.legalserviceindia.com/article/I269-Prostitution-in-india.html)	imprisonment of either description for a term which may extend to three years and with fine which may extend to two thousand rupees. There are other provisions for punishments. Please see the below indicated URL for details. (http://dpal.kar.nic.in/1%20of%201984%20(E).pdf)

3	Suppression of Immoral Traffic in Women and Girls Act	1956	Prostitutes can practice their trade privately but cannot legally solicit customers in public. Organized prostitution (brothels, prostitution rings, pimping, etc.) is illegal. law forbids a sex worker to carry on her profession within 200 yards of a public place. sex workers are not protected under normal labor laws, but they possess the right to rescue and rehabilitation if they desire and possess all the rights of other citizens. (https://en.wikipedia.org/wiki/Prostitution_in_India)	Imprisonment not less than 1 year with to 5 years with fine of Rs. 1000 to 2000 rupees. There are number of punishments for different modes of operation the sex trade please refer appendix C. on p.n. 301-322 details. (https://www.wcwonline.org/pdf/lawcompilation/India_SUPPRESSION%20OFF%20IMMORAL%20TRAFFIC%20IN%20WOMEN%20AND%20GIRLS%20AC.pdf)
4	The Immoral Traffic (Prevention) Act	1986	This law was intended as a means of limiting and eventually abolishing prostitution in India by gradually criminalizing various aspects of sex work. (https://en.wikipedia.org/wiki/Prostitution_in_India)	
			Sex Workers	
			A prostitute who seduces or solicits shall be prosecuted. Similarly, call girls can not publish phone numbers to the public.	Imprisonment up to 6 months with fine, point 8
			Clients	
			Sex worker also punished for prostitution near any public place or notified area.	Imprisonment of up to 3 months with fine, point 7
			A client is guilty of consorting with prostitutes and can be charged if he engages in sex acts with a sex worker within 200 yards of a public place or "notified area".	Imprisonment of up to 3 months, point 7
			The client may also be punished if the sex worker is below 18 years of age.	From 7 to 10 years of imprisonment, whether with a child or a minor, point 7
			Pimps and Babus	
			Babus or pimps or live-in lovers who live off a prostitute's earnings are guilty of a crime. Any adult male living with a prostitute is assumed to be guilty unless he can prove otherwise.	Imprisonment of up to 2 years with fine, point 4
			Brothel	
			Landlords and brothel-keepers can be prosecuted, maintaining a brothel is illegal.	From 1 to 3 years imprisonment with fine for first offence, point 3

			Detaining someone at a brothel for the purpose of sexual exploitation can lead to prosecution.	Imprisonment of more than 7 years, point 6
			Procuring and trafficking	
			A person procures or attempts to procure anybody are liable to be punished. Also a person who moves a person from one place to another, (human trafficking), can be prosecuted similarly.	From 3 to 7 years imprisonment with fine, point 5
5	Protection of children from Sexual Offence Act, 2012	2012	Rescued Women	
			The government is legally obligated to provide rescue and rehabilitation in a "protective home" for any sex worker requesting assistance.	(Point 21)
			The new Act provides for a variety of offences under which an accused can be punished.	http://www.childlineindia.org.in/The-Protection-of-Children-from-Sexual-Offences-Act-2012.htm
			Penetrative Sexual Assault (Section 3)	Not less than seven years which may extend to imprisonment for life, and fine (Section 4)
			Aggravated Penetrative sexual assault (Section 5)	Not less than ten years which may extend to imprisonment for life, and fine (Section-6)
			Sexual Assault (Section 7)	Not less than three years which may extend to five years, and fine (Section 8)
			Aggravated Sexual Assault (Section 9)	Not less than five years which may extend to seven years and fine (Section 10)
			Sexual Harassment of the child (Section 11)	Three years and fine (Section 12)
			Use of Child for Pornographic Purposes (Section 13)	Five years and fine and in the event of subsequent conviction, seven years and fine (Section 14 (1))

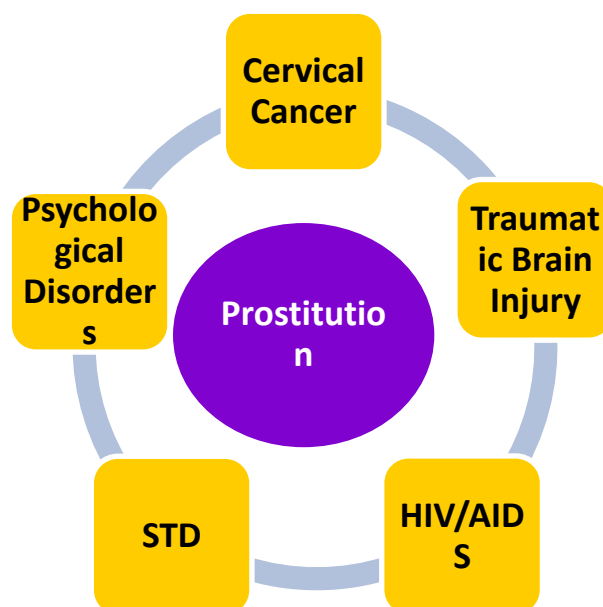
SECTION – F : HEALTH AND SEX WORK

In the light of wide spread prevalence of HIV/AIDS and sexually transmitted diseases (STDs), sex work has dangerous consequences. In India, more than 90% of HIV transmission is through the sexual route and CSWs, who have multiple sex partners, are at the risk of getting infected with HIV, which causes AIDS. Besides, heterosexual behavior with CSWs is a risky activity when a man indulges in it for instant pleasure. This illicit or extramarital indulgence is an open invitation to STDs or AIDS or both. , which would ruin him and his family physically and mentally. The number of people infected with HIV or afflicted with AIDS is on the rise in India. The trends in India Show a rapid spread of the disease in most states in the country and the prevalence of HIV among high risk behavior group are alarming. (R. Jayshree and K.A. Parvathy, 2004)

According to, Kaustubh Nandan Sinha in his article the problem of “Prostitution” an Indian perspective describes about many health problems for the prostitutes

The below figure is developed by the researcher on the basis of article of Sinha (n.d.) accessed from website i.e. <http://www.legalserviceindia.com/article/1269-Prostitution-in-India.html>

Figure: 11 Prostitution and Health Problems



In a country like India where most of the people indulge themselves in unprotected sex with prostitutes it is very difficult to eradicate the problem of aids. Historically, the AIDS epidemic in India was first identified amongst sex workers and their clients, before other sections of society became affected. The sex workers are themselves taking steps to combat with aids in some brothels in India for example Sonagachi a brothel in Kolkata; where the sex workers are insisting their clients for use of condoms in order to avoid aids. But in all the other brothels in India social workers and NGO'S are trying to acquaint the sex workers about the ill effects of AIDS and are insisting them for using condoms (<http://www.legalserviceindia.com/article/1269-Prostitution-in-India.html>)

A staggering 43.2 per cent of sex workers in Surat have seroprevalence of HIV or are HIV-positive. These are the findings of a cross-sectional study of sex workers in a health camp in 2000, conducted by the Department of Community Medicine, Government Medical College in Surat, under a project sponsored by the Department For International Development (DFID) of the UK.

(<http://timesofindia.indiatimes.com/india/HIV-high-among-Surat-sex-workers/articleshow/47200702.cms>)

Mumbai and Kolkata (Calcutta) have the country's largest brothel based sex industry, with over 100,000 sex workers in Mumbai. It is estimated that more than 50% of the sex workers in Mumbai have HIV. In Surat, a study discovered that HIV prevalence among sex workers had increased from 17% in 1992 to 43% in 2000. A positive outcome of a prevention program among prostitutes can be found in Sonagachi, a red-light district in Kolkata. The education program targeted about 5,000 female prostitutes. A team of two peer workers carried out outreach activities including education, condom promotion and follow-up of STI cases. When the project was launched in 1992, 27% of sex workers reported condom use. By 1995 this had risen to 82%, and in 2001 it was 86%..https://en.wikipedia.org/wiki/Prostitution_in_India)

SECTION – G : REHABILITATION MEASURES AND CONCLUSION

REHABILITATION MEASURES

Rehabilitation or resocialization of those engaged in sex industry is one of the measures to control prostitution in streets.

The experiences of various countries have proved that not only economic rehabilitation is very much necessary but along with it psychological and social rehabilitation is also essential to help them to get over their maladjusted condition to enable them to integrate into the main stream of the life in society. It should be remembered that economic, psychological and social factors are responsible for women and girls becoming prostitutes.

There is also mass media campaign through television, radio, cinema and newspaper to help to create a situation which will dissuade women and children from turning to prostitution. Education of public is essential because rehabilitation programme often fail as prostitutes are considered as criminals. Women are not born prostitutes and are not responsible for being prostitutes. So no stigma should be attached to them. Employments are closed to them and stigma of prostitution lasts for life. Once a prostitute is always a prostitute.

The only way to bring them back into the society is to give them some vocational training of their own choices in order to make them economically self-sufficient. This can be done if sufficient number of well administered rehabilitation centers are established where they can find shelter, medical care and training. They should be helped to gain confidence and also to develop the values and attitudes which would ultimately help them to get rid of social maladjustment.

In the most countries around the world, rehabilitation centers in different names are operating and rendering excellent services to prostitutes in their rehabilitation process notwithstanding the fact that few people seem to be disturbed over prostitution and the vast majority of them are simply indifferent about it.

According to Mr. Kaustubh Nandan Sinha in his article ‘the problem of prostitution: an Indian Perspective’ describes the steps that should be taken in order to fight with prostitution(<http://www.legalserviceindia.com/article/1269-Prostitution-in-India.html>):

- Formal education should be made available to those victims who are still within the school going age, while non-formal education should be made accessible to adults.
- The Central and State governments in Partnership with non-governmental organizations should provide gender sensitive market driven vocational training to all those rescued victims who are not interested in education.
- Rehabilitation and reintegration of rescued victims being a long- term recruitment of adequate number of trained counselors and social workers in institutions/homes run by the government independently or in collaboration With non-governmental organizations.
- Awareness generation and legal literacy on economic rights, particularly for women and adolescent girls should be taken up.
- Adequate publicity, through print and electronic media including child lines and women help lines about the problem of those who have been forced in to prostitution
- Culturally sanctions practices like the system of Devdasis, *Jogins*, *bhavins* etc. which provides a pretext for prostitution should be addressed suitably.

All of the women meant to be rehabilitated seven have died in custody. Another 300 odd have been deported to institutions in the native states and Nepal, ostensibly for the purpose of rehabilitation. These women were not given a choice as to whether they wished to return to their home states or not. (Dhaliwal Mandeep, 1997)

According to a probation officer in the Mundhva home, “The girls say they went go back to the brothels. They are scared of being ostracized by their families and refuse to go home”. In Asha Sadan the women were told that if they didn’t return they would rot here! One wonders what has become of these women as there is little evidence of follow up on their cases. It would seem that the State’s primary rehabilitation strategy has been one of out of sight, out of mind. (Dhaliwal Mandeep, 1997)

DIFFERENT VOICES ON SEX WORK/PROSTITUTION

The below indicated voices are quoted from the **South Asia Regional Workshop Report** on ‘The Rehabilitation of Women and Children rescued from Trafficking.’ (2001) organized by Women and Child development department and Maharashtra State Commission for Women, Mumbai.

Tara Kerkar
Member of Goa State.

“Women earning over 1000 rupees a day will not work for Rs. 100.”

“Trafficking is preventable offence, but there is lethargy in system”

Sridevi Goel
Chief Vigilance officer,
Maharashtra

Dr. Harish Shetty,
Psychiatric, Mumbai

“The opening sentence is very important during counseling of a victim. Being is more important than doing”

“Broken families lead women to prostitution; women who are in prostitution were also trafficked at some time. Children feel guilt and shame though it is not their fault. There is no authority to rescue when we inform the police, the police inform the brothel owners”.

Tapothi Bhowmick,
Sanlaap, West Bengal.

Miss. N.T. Abroo
Member
Secretary, Karnataka

“There are some specially vulnerable Communities like Devdasis. Awareness is needed to contain the flow of trafficking. Around 10% of the girls in brothels are below 18 years.”

“Many Girls from Bangladesh are lured Into the profession in India. But there is

Salma Ali
Bangladesh Women
Lawyers Association

no bilateral agreement between India and Bangladesh to regulate rehabilitation. The girls are so young they cannot even give their consent or proper address. The embassy denies that they are Bangladeshis. In the name of safe custody some girls are even exploited in the custodial homes. People deny them housing”.

Kaustubh Nandan Sinha
Lawyer

According to Sinha, (n.d.), “Every hour, four women and girls in India enter prostitution, three of them against their will”.

PREVENTION/CONTROL OF PROSTITUTION

According to **Janice Haggerty**, Those who would like to see an end to prostitution have suggested various methods besides what is already being done. These methods are quoted by Jeremy Sandford (1975) which are described as under:

- One idea has been penalize the clients as well as or instead of the prostitute. As an attempt to do this, a charge of persistently loitering with intent to solicit was brought against a man who had been kerb-crawling.

In India, the focus already has been more to penalize the traffickers rather than the sex workers. The ITPA, 1986 focuses on rescuing and reforming the sex workers and only two offenses - practicing prostitution within close vicinity of public places (Section 7) and soliciting in public places (section 8) are applicable to the Sex workers and most other offenses are listed for the traffickers. However implementation is to be made more effective in order to prevent, reduce and control prostitution.

- A second way that has been suggested is to vastly increase the women’s side of the police force and to have only police women in charge of enforcing the laws against prostitution.

This has been advocated by some churchmen. It is argued that the product dealt in by the girls- sex- is such an attractive one that few policemen are really capable of standing up against its allurements. It is an unfair temptation, not fair on the men. Police women would be more proof, the argument goes.

An argument against this is that the women's police force might then begin to attract Lesbians in large numbers, and it would be the Lesbians amongst the existing police force who would volunteer for this work. The end product of all this would be more corruption in administration of justice, not less.

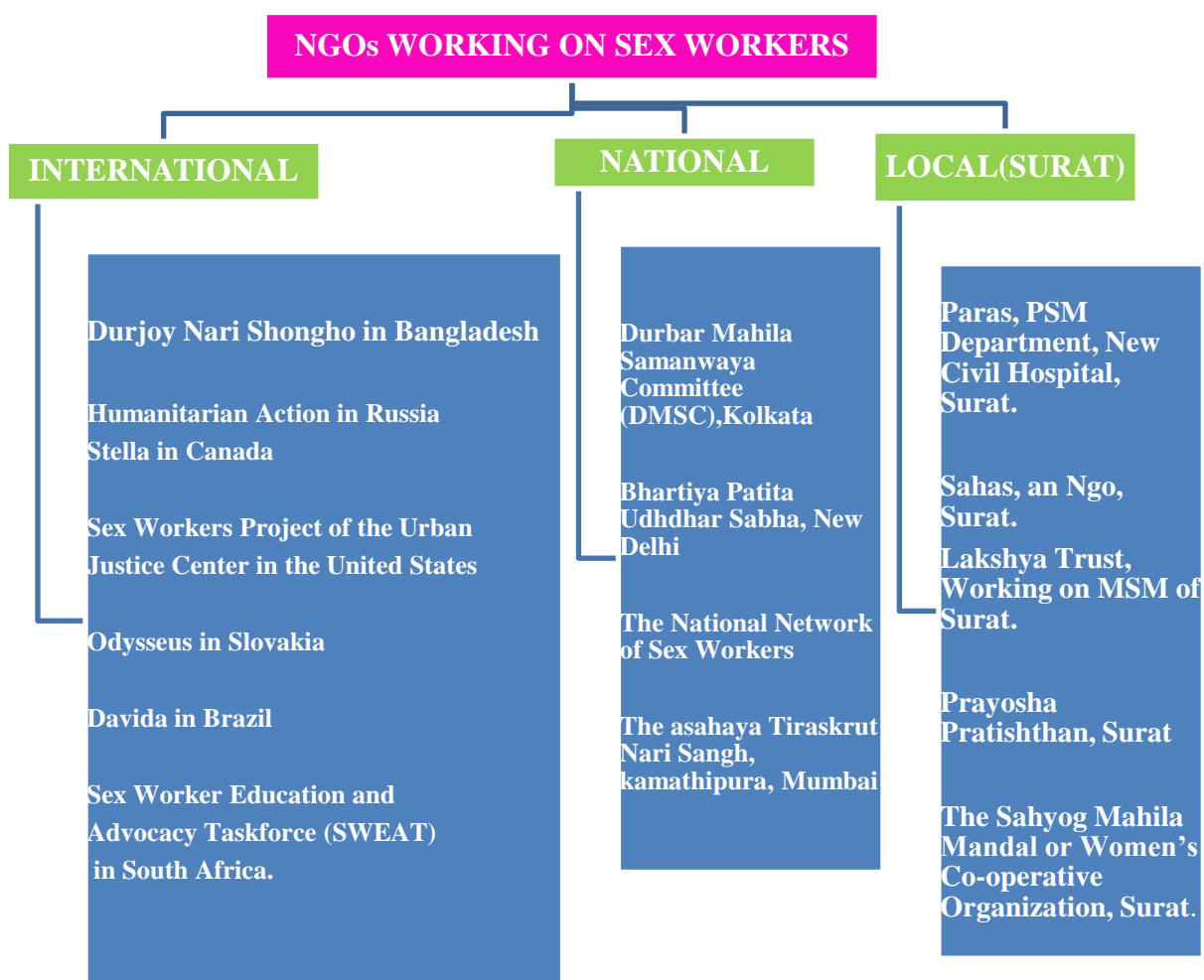
In India, however, involving more women police into dealing with female sex workers may prove beneficial as the chances of sex worker's sexual exploitation by men in law implementing machinery i.e. Police can be reduced. The real mainstreaming of sex workers by encouraging them to earn through more dignified sources of livelihood can be promoted by the counselors/case workers trained in the correctional management is possible both in institutionalized setting and community settings. Reducing recidivism and preventing the freshers' entry into sex work can be more effective by allocating more work force to control prostitution.

SOCIAL WORK PROFESSION

The social work philosophy lays heavy emphasis on preserving and respecting human dignity. As an applied social science and an enabling profession, it facilitates an individual, Group or Community to resolve its problem or to identify its developmental needs and enhances the quality of life of people using micro-mezzo-macro skills and methods. Sex workers constitute the most vulnerable groups of the society and hence, trained social workers have to engage in contributing better, dignified life for them. When as informed professionals, social work professionals contribute at macro level policy making, it benefits a large mass or less fortunate persons by creating support structures, and political will of the elites. This study is an effort in this direction.

The below indicated figure has been compiled by the researcher based on her field interaction with NGOs, her own observation and accessing the various relevant materials.

Figure: 12 NGOs Working on Sex workers



CONCLUSION

There is a need to address the issue of evacuated sex workers of Surat, for which one has to understand the basic concept of sex work. The researcher has tried to clear it in the above chapter. To get more insight one has to go through the previous researches done on the sex workers.

After 13 years of the evacuation of sex workers of Surat, there has not been found any research on the evacuated sex workers of Surat. However, there are several studies on brothel based commercial sex workers from social science and health perspective. The researcher would like to give the details regarding researches which were conducted earlier and were found related to researcher's research topic in the next chapter of 'Review of Literature'